

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

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JOHN GONZALES, SR.,

Case No. 3:19-cv-00731-MMD-CLB

v.

**Plaintiff.**

## ORDER

DEBBIE DUNHAM,

Defendant.

Plaintiff John Gonzales, Sr., brings this action this action against Bureau of Land Management Manager Debbie Dunham. (ECF No. 1-1.) Before the Court is the Report and Recommendation (“R&R” or “Recommendation”) of United States Magistrate Judge Carla L. Baldwin (ECF No. 3), recommending that the Court grant Plaintiff’s *in forma pauperis* (“IFP”) application, but dismiss his Complaint in its entirety for failure to comply with Fed. R. Civ. P. 8(a)(2). Plaintiff had until April 6, 2020 to file an objection. To date, no objection to the R&R has been filed. For this reason, and as explained below, the Court will adopt the R&R and dismiss this case.

This Court “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1). Where a party timely objects to a magistrate judge’s report and recommendation, then the Court is required to “make a *de novo* determination of those portions of the [report and recommendation] to which objection is made.” *Id.* Where a party fails to object, however, the court is not required to conduct “any review at all . . . of any issue that is not the subject of an objection.” *Thomas v. Arn*, 474 U.S. 140, 149 (1985); see also *United States v. Reyna-Tapia*, 328 F.3d 1114, 1116 (9th Cir. 2003) (“De novo review of the magistrate judges’ findings and recommendations is required if, but *only* if, one or both parties file

1       objections to the findings and recommendations.") (emphasis in original); Fed. R. Civ. P.  
2       72, Advisory Committee Notes (1983) (providing that the court "need only satisfy itself  
3       that there is no clear error on the face of the record in order to accept the  
4       recommendation").

5           While Plaintiff has failed to object to Judge Baldwin's recommendation to dismiss  
6       this case, the Court will conduct a *de novo* review to determine whether to adopt the R&R.  
7       Judge Baldwin found that Plaintiff's Complaint is rambling, nonsensical, and filled with  
8       incomplete sentences—making it impossible to decipher and noncompliant with Fed. R.  
9       Civ. P. 8(a)(2). (ECF No. 3 at 3-4.) She therefore recommends its dismissal. (*Id.*)  
10       However, she also recommends the Court grant Plaintiff's IFP application because he  
11       does not appear able to pay the filing fee. (*Id.* at 2.) Having reviewed the R&R and the  
12       Complaint, the Court agrees with Judge Baldwin.

13       It is therefore ordered that Judge Baldwin's Report and Recommendation (ECF  
14       No. 3) is accepted and adopted in full.

15       It is further ordered that Plaintiff's IFP application (ECF No. 1) is granted.

16       The Clerk of Court is directed to file Plaintiff's Complaint (ECF No. 1-1).

17       It is further ordered that Plaintiff's Complaint (ECF No. 1-1) is dismissed, in its  
18       entirety, with prejudice.

19       The Clerk of Court is further directed to enter judgment in accordance with this  
20       order and close this case.

21       DATED THIS 7<sup>th</sup> day of April 2020.



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24       MIRANDA M. DU  
25       CHIEF UNITED STATES DISTRICT JUDGE  
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